

**U.S. Department of the Interior  
Bureau of Land Management  
Kremmling Field Office  
P.O. Box 68  
Kremmling, CO 80459**

## **CATEGORICAL EXCLUSION**

NUMBER: CO-120-2007-05-CE

PROJECT NAME: Assignment of Nielson and Associates' 4 Rights-of-Way

LEGAL DESCRIPTION:

T. 9N., R. 78W., Section 7  
T. 9N., R. 79W., Sections 1, 2, 12  
T. 10N., R. 79W., Section 28

APPLICANT: Bonanza creek Energy Operating Company, LLC

DESCRIPTION OF PROPOSED ACTION: Bonanza Creek Energy Operating Company, LLC has applied for an assignment of the current rights-of-way issued to Nielson and Associates, Inc. for water pipelines, water wells, roads, and powerlines that are located on BLM-administered public lands. The serial numbers involved are: COD-039864, COC-27208, COC-44241 and COC-45792. No other changes would be made to the rights-of-way grants (see Attachments for project maps (2) and right-of-way stipulations for each grant).

PLAN CONFORMANCE REVIEW: The Proposed Action is subject to and has been reviewed for conformance with (43 CFR 1610.5, BLM 1617.3) the following plan:

Name of Plan: Kremmling Resource Management Plan (RMP), Record of Decision (ROD)

Date Approved: December 19, 1984; Updated February 1999

Decision Number/Page: Realty II-12 a., Pg. 14

Decision Language: Provide the opportunity to utilize public lands for development of facilities which benefit the public, while considering environmental and agency concerns.

CATEGORICAL EXCLUSION REVIEW: The Proposed Action qualifies as a categorical exclusion under 516 DM 6, Appendix 5.4, Number: (E) (9) "*Renewals and assignments of leases, permits or rights-of-way where no additional rights are conveyed*"

*beyond those granted by the original authorizations.”* None of the following extraordinary circumstances in 516 DM 2, Appendix 2, apply.

Extraordinary Circumstances	Yes	No
2.1 Have significant impacts on public health or safety		X
2.2 Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.		X
2.3 Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2)(E)].		X
2.4 Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
2.5 Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
2.6 Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
2.7 Have significant impacts on properties listed, or eligible for listing, on the National Register of historic Places as determined by either the bureau or office.		X
2.8 Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.		X
2.9 Violate a Federal Law, or a State, local, or tribal law or requirement imposed for the protection of the environment.		X
2.10 Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		X
2.11 Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).		X
2.12 Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).		X

INTERDISCIPLINARY REVIEW:

Name	Title	Area of Responsibility	Date Review Completed
Susan Cassel	Realty Specialist	Realty	11/20/06
Joe Stout	Planning and Environmental Coord.	NEPA	11/28/06
Chuck Cesar	Wildlife Biologist	T&E	11/20/06
Paula Belcher	Hydrologist	Soil, Water, Air	11/20/06
Frank Rupp	Archaeologist	Cultural	11/07/06

REMARKS:

Cultural Resources: Cultural resource inventories, where completed over 25 years ago. By today's standards and program guidance, mapping discrepancies, insufficient amount of coverage for well pads, and pipeline segments not inventoried require that the ROWs be inventoried and/or re-inventoried. However, because this CE is restricted to assigning existing ROWs and facilities from one company (Nielson and Associates) to another (Bonanza Creek Energy) with no new ground disturbance or construction, a cultural inventory would be deferred until the ROW grants are renewed.

COC-44241 (Access Road) Cultural Inventory completed in 1977 by the Laboratory of Public Archaeology (LOPA). Mapping discrepancy with a road segment not inventoried.

COC-44241 (Pipeline) No cultural inventory.

COC-27208 (Pipeline) Cultural inventory completed specifically for road segments by LOPA in 1977, with the remainder contained within block inventories completed in 1978 by Western Cultural Resource Management (WCRM) and LOPA.

COC-45792 (Pipeline) and COD 0 39864 (Pipeline) were not culturally inventoried; however portions of the pipelines are contained within areas culturally inventoried in block inventories by WCRM and LOPA. COD 039864 is granted in perpetuity and thus will never require renewal. A segment in the middle of the pipeline has not been culturally inventoried and this should occur prior to any new ground disturbance.

If any new ground disturbing construction, maintenance or repair is proposed by the new assignee, BLM is to be notified in writing a minimum of 30 days prior to planned implementation to determine if additional cultural inventory will be required.

The assignment is recommended to proceed with BLM standard cultural discovery stipulations attached to this categorical exclusion and the ROW assignment.

Native American Religious Concerns: Native American Religious Consultation did not occur as this is an assignment for existing structures and no new ground disturbance or construction would occur.

Threatened and Endangered Species: There would be no negative impacts.

COMPLIANCE PLAN: The rights-of-way would be inspected and monitored periodically during terms of the grants to ensure compliance with the terms and conditions of the grants. The rights-of-way would also be inspected after any maintenance activities to determine compliance with and effectiveness of reclamation measures.

STIPULATIONS:

-The holder (Bonanza Creek Energy) is responsible for informing all persons in the area who are associated with this project that they will be subject to prosecution for disturbing historic or archaeological sites, or for collecting artifacts.

-The holder (Bonanza Creek Energy) shall immediately bring to the attention of the Authorized Officer any and all antiquities, or other objects of historic, paleontological, or scientific interest including but not limited to, historic or prehistoric ruins or artifacts DISCOVERED as a result of operations under this authorization (16 U.S.C. 470.-3, 36 CFR 800.112). The holder (Bonanza Creek Energy) shall immediately suspend all activities in the area of the object and shall leave such discoveries intact until written approval to proceed is obtained from the Authorized Officer. Approval to proceed will be based upon evaluation of the object(s). Evaluation shall be by a qualified professional selected by the Authorized Officer from a Federal agency insofar as practicable (BLM Manual 8142.06E). When not practicable, the holder (Bonanza Creek Energy) shall bear the cost of the services of a non-Federal professional.

Within five working days the Authorized Officer will inform the holder as to:

- Whether the materials appear eligible for the National Register of Historic Places;
- The mitigation measures the holder will likely have to undertake before the site can be used (assuming in situ preservation is not necessary); and,
- A timeframe for the Authorized Officer to complete an expedited review under 36 CFR 800.11 to confirm, through the State Historic Preservation Officer, that the findings of the Authorized Officer are correct and that mitigation is appropriate.

If the holder (Bonanza Creek Energy) wishes, at any time, to relocate activities to avoid the expense of mitigation and/or the delays associated with this process, the Authorized Officer will assume responsibility for whatever recordation and stabilization of the exposed materials may be required. Otherwise, the holder (Bonanza Creek Energy) will be responsible for mitigation costs. The Authorized Officer will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the Authorized Officer that the required mitigation has been completed, the holder (Bonanza Creek Energy) will then be allowed to resume construction.

-Antiquities, historic, prehistoric ruins, paleontological or objects of scientific interest that are outside of the authorization boundaries but directly associated with the impacted resource will also be included in this evaluation and/or mitigation. Antiquities, historic, prehistoric ruins, paleontological or objects of scientific interest, identified or unidentified, that are outside of the authorization and not associated with the resource within the authorization will also be protected. Impacts that occur to such resources, which are related to the authorizations activities, will be mitigated at the holder's (Bonanza Creek Energy) cost.

-Pursuant to 43 CFR 10.4(g), the holder (Bonanza Creek Energy) of this authorization must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4 (c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.

- If any new ground disturbing construction, maintenance or repair is proposed by the new assignee, BLM is to be notified in writing a minimum of 30 days prior to planned implementation to determine if additional cultural inventory will be required.

NAME OF PREPARER: Susan Cassel

NAME OF ENVIRONMENTAL COORDINATOR: Joe Stout

DATE: 11/29/06

ATTATCHMENTS:

- (1) Maps
- (2) Original Stipulations
- (3) Additional Stipulations

DECISION AND RATIONALE: I have reviewed this CER and have decided to implement the proposed action.

This action is listed in the Department Manual as an action that may be categorically excluded. I have evaluated the action relative to the 12 criteria listed above and have determined that it does not represent an extraordinary circumstance and is, therefore, categorically excluded from further environmental analysis.

SIGNATURE OF AUTHORIZED OFFICIAL: /s/ Richard Johnson

DATE SIGNED: 11/29/06